

Patent  
Attorney Docket: 302,670-2  
(prev 259/221)

**REMARKS**

In response to the Restriction Requirement mailed on November 18, 2003, Applicant, without traverse, elects to prosecute claims 1-17 and 20-53 (Group I). Claims 18, 19, and 54-78 are cancelled. In addition, Applicant has added new claims 79-85. The newly added claims are consistent with the election of the method of separating particles with a moving optical gradient. Applicant has also amended the Title of the Invention in light of the currently pending method claims.

Applicant has also amended certain of the pending Group I claims. Specifically, claim 1 has been amended to recite the feature that the particles have different dielectric constants and that the particles move at different velocities related to the particle's dielectric constant. A similar amendment has been made to dependent claim 22. Claim 36 has been amended to even more clearly recite that the medium is a guided medium.

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Examination on the merits is earnestly requested... If there are any questions concerning this paper, please contact the undersigned at (949) 737-2926.

Respectfully submitted,

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Dated: 11/25/03

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